

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

GLOBAL INTERACTIVE MEDIA, INC.

Plaintiff,

vs.

WIDEOPENWEST FINANCE, LLC,

Defendant.

Case No.

**COMPLAINT FOR  
PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

Plaintiff Global Interactive Media, Inc. (“GIM”) brings this patent-infringement action against WideOpenWest Finance, LLC (“WOW”).

**Parties**

1. GIM is a Belizian company based in Belize.
2. WOW is a Delaware limited liability company, having its principal place of business in Englewood, Colorado.

**Jurisdiction and Venue**

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*
4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).
5. This Court may exercise personal jurisdiction over WOW. WOW conducts continuous and systematic business in Illinois and in this District, and WOW maintains offices in this District. This patent-infringement case arises directly from WOW’s continuous and systematic activity in this District. In short, this Court’s exercise of jurisdiction over WOW would be

consistent with the Illinois long-arm statute, 735 ILCS § 5/2-209, and traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(b).

**Count 1 – Infringement of U.S. Patent No. 7,574,721**

7. GIM owns United States Patent 7,574,721 (the “‘721 patent”) (attached as Exhibit A).

8. WOW is infringing at least one of the 35 methods and systems claimed in the ‘721 patent by providing the WOW Listings service. [http://wowway.net/tv/login.php?prev\\_page=grid&page=grid](http://wowway.net/tv/login.php?prev_page=grid&page=grid).

9. For example, and for illustration of one of the 35 claims of the ‘721 patent that GIM alleges the WOW Listings service infringes, the service infringes claim 1 of the ‘721 patent as follows:

a. Claim 1 is a “method for identifying at least one broadcast provider through a combination of a geographic identification code and a broadcast identifier, the method comprising: digitally storing, in a database, one or more geographic identification codes that are each associated with at least one area or location in which a broadcast is receivable from at least one broadcast provider[.]” (Ex. A, 17:44-50.) The WOW Listings service digitally stores zip codes in a database, which are associated with service areas in which broadcasts are receivable from broadcast providers.

b. Claim 1 involves “digitally storing, in the database, one or more broadcast identifiers that are each associated with at least one broadcast provider[.]” (Ex. A, 17:51-53.) The WOW Listings service digitally stores in a database broadcast identifiers (e.g., the time for which a user wants to identify a broadcast provider of programming) that are

associated with broadcast providers.

c. Claim 1 involves “receiving at least one user related geographic identification code[.]” (Ex. A, 17:54-55.) The WOW Listings service receives a user related geographic identification code when the user enters her zip code into the service website.

d. Claim 1 involves “receiving at least one user related broadcast identifier[.]” (Ex. A, 17:56.) The WOW Listings service receives a user related broadcast identifier when the user selects the time for which she would like to identify a broadcast provider, e.g., 5:00 p.m. The service also receives a user related broadcast identifier when the user selects the genre of programming for which she wants a broadcast provider identified, e.g., “Sports.”

e. Claim 1 involves “determining, by a processor, a subset of data from the database using the received at least one user related geographic identification code, the subset of data comprising at least one of the stored one or more broadcast identifiers that are associated with at least one of the stored one or more geographic identification codes that corresponds to the received at least one user related geographic identification code[.]” (Ex. A, 17:60-67.) The WOW Listings service determines by processor, using the user’s zip code, a subset of data comprising broadcast programming available to the user based on her service area. The subset of data includes broadcast identifiers, e.g., ESPN, Ch. 33.

f. Claim 1 involves “identifying, by the processor, at least one broadcast provider using at least both the subset of data and received at least one user related broadcast identifier[.]” (Ex. A, 18:1-3.) The WOW Listings service—using the subset of data based on the user’s zip code and the user’s selection of time and genre—identifies, for

example, ESPN, Ch. 33 as the broadcast provider of the *SportsCenter* television show, which is broadcast at 5:00 p.m. in the 60137 area code of Chicagoland.

**Count 2 – Infringement of U.S. Patent No. 8,032,907**

10. GIM owns United States Patent 8,032,907 (the “‘907 patent”) (attached as Exhibit B).

11. WOW is infringing at least one of the 90 methods and systems claimed in the ‘907 patent by providing the WOW Listings service. [http://wowway.net/tv/login.php?prev\\_page=grid&page=grid](http://wowway.net/tv/login.php?prev_page=grid&page=grid).

12. For example, and for illustration of one of the 90 claims of the ‘907 patent that GIM alleges the WOW Listings service infringes, the service infringes claim 18 of the ‘907 patent as follows:

a. Claim 18 claims a “method for providing recipients of a broadcast with automated information about program material, the method comprising: broadcasting program material in at least one broadcast[.]” (Ex. B, 19:13-16.) The WOW Listings service provides viewers of television programs with automated information about programs broadcasted by WOW.

b. Claim 18 is a method of “receiving one or more user inquiries from one or more recipients of said at least one broadcast, said one or more inquiries including broadcast identifier information[.]” (Ex. B, 19:17-19.) A user may access the WOW Listings service’s website and inquire about the high-definition television program *SportsCenter*. The inquiry includes broadcast identifier information when the user searches for “SportsCenter” and selects “HDTV Only.”

c. The method of claim 18 involves “creating a program description file

comprising program information related to program material to be broadcast in the future[.]” (Ex. B, 19:20-22.) WOW created a program description file describing *SportsCenter*: “ESPN's flagship program provides sports news, highlights and analysis.”

d. Next, claim 18 involves “communicating the program information into a programmed data processor[.]” (Ex. B, 19:23-24.) The WOW Listings service user is able to learn about *SportsCenter* because WOW has a programmed data processor that communicates the program information to the WOW Listings service.

e. Claim 18 involves “synchronizing said communicated program information with said program material of said at least one broadcast[.]” (Ex. B, 19:25-26.) WOW synchronizes the program information with the broadcast of *SportsCenter*.

f. Claim 18 involves “using said data programmed data processor to communicate, to the one or more recipients, program information that corresponds to the broadcast identifier information included in said one or more inquiries, wherein at least one of the program description file, the program information, and the synchronized program information is associated with the broadcast identifier information.” (Ex. B, 19:28-35.) The WOW Listings service communicates to the user that the high definition broadcast of the *SportsCenter* program is broadcast on Ch. 211 ESPNHD and that: “ESPN's flagship program provides sports news, highlights and analysis.” This program information corresponds to the user's search of “SportsCenter” and selection of “HDTV Only.”

**Count 3 – Infringement of U.S. Patent No. 6,314,577**

13. GIM owns United States Patent 6,314,577 (the “577 patent”) (attached as Exhibit C).
14. WOW is infringing at least one of the 130 methods and systems claimed in the ‘577

patent by providing the WOW Listings service. [http://wowway.net/tv/login.php?prev\\_page=grid&page=grid](http://wowway.net/tv/login.php?prev_page=grid&page=grid).

15. For example, and for illustration of one of the 130 claims of the ‘577 patent that GIM alleges the WOW Listings service infringes, the service infringes claim 94 of the ‘577 patent as follows:

a. Claim 94 is a “method for providing listeners or viewers of a radio or television broadcast with automated information about program material, comprising the steps of: broadcasting at least one radio or television broadcast[.]” (Ex. C, 23:15-18.) The WOW Listings service provides viewers of television programs with automated information about programs broadcasted by WOW.

b. Claim 94 involves “receiving user inquiries from a listener or viewer of said radio or television broadcast[.]” (Ex. C, 19-20.) A user may access the WOW Listings service’s website and inquire about a television program she is viewing on ESPN, Ch. 33 at 5:00 p.m.

c. Claim 94 involves “creating a program description file[.]” (Ex. C, 23:21.) The individual inquiring about the program broadcast by WOW on ESPN, Ch. 33 at 5:00 p.m. would learn that it is the program *SportsCenter*: “ESPN's flagship program provides sports news, highlights and analysis.”

d. The method of claim 94 involves “communicating program list information into a programmed data processor[.]” (Ex. C, 23:22-23.) WOW communicates into the WOW Listings service’s programmed data processor a list of programs to be aired on its different channels, for example ESPN, Ch. 33, so that the service may display a list of scheduled programs.

e. Claim 94 involves “correlating said program descriptions of program material with said program list information and generating information in a database responsive to only a broadcast identifier[.]” (Ex. C, 23:24-27.) WOW correlates the description of *SportsCenter* to the list of scheduled programs so that the description of *SportsCenter* is correlated to, and responsive to, the 5:00 p.m. identifier of ESPN, Ch. 33.

f. Claim 94 involves “using said programmed data processor to communicate said program description file responsive to said user inquiry.” (Ex. C, 23:28-30.) The WOW Listings service uses the data processor to communicate the description of *SportsCenter* (“ESPN's flagship program provides sports news, highlights and analysis”) to the user when the user accesses the service during the 5:00 p.m. broadcast of *SportsCenter*, to inquire about *SportsCenter*.

#### **Prayer for Relief**

WHEREFORE, GIM prays for the following relief against WOW:

- (a) Judgment that WOW has directly infringed claims of the ‘721, ‘907, and ‘577 patents;
- (b) For a reasonable royalty;
- (c) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law; and
- (d) For such other and further relief as the Court may deem just and proper.

#### **Demand for Jury Trial**

GIM demands a trial by jury on all matters and issues triable by jury.

Date: June 30, 2016

Respectfully submitted,

/s/ Matthew M. Wawrzyn

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